

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/823,829	Confirmation No. 5642
Applicant	:	Evans et al.	
Filed	:	September 28, 2009	
Art Unit	:	3714	
Examiner	:	Aileen Chyn	
Docket No.	:	CHORUS-P007-01	
Customer No.	:	27268	

THIRD DECLARATION OF ALAN L. COLQUITT

I, Alan L. Colquitt, Ph.D. of 7805 Timber Run Lane, Indianapolis, IN 46256 declare as follows:

1. I have over 20 years of experience implementing testing programs as an internal consultant in The Procter & Gamble Company (1985-1990) and Eli Lilly and Company (1990-present). I have a Ph.D. in Industrial and Organizational Psychology from Wayne State University in Detroit, MI. I have specialized training in the areas of test development, test validation, and psychometrics. I have considerable experience developing tests and testing programs for a variety of purposes including: Pre-employment screening; employee and leadership development; identification, selection and development of leaders and high potential employees; promotion; and reallocation. See attached resume for additional background (Exhibit A).

2. I have studied the disclosure of the above-identified patent application ("Evans") and the disclosures of U.S. Patent Publication No. 2002/0045154Q1 to Wood (The "Wood" application) and U.S. Patent Nos 7,148,969 and 6,341,267 to Bonstetter and Taub (the "Bonstetter Patent" and "Taub Patent" respectively).

3. I have studied the Office Action issued by the patent examiner on May 28, 2009 in application serial number 10/823,829; and have the following comments on the assertions in the Office Action.

4. With respect to claim 1, the examiner asserts that Wood's system "can also be used to find people with particular skills or competencies" (Wood, p.14, paragraph [337]). However, Wood is completely silent on how such a use would be implemented. Wood suggests that "additional personality tests or skills test, or competency models/tests can also be used" (Wood, p.14 paragraph [337]). However, Wood does not teach or enable one of skill in the art to employ such a system to obtain competency measures or ratings.

5. With respect to claim 1, one of skill in the art would say that Wood does not teach providing individual capability tests that are used to rate a plurality of competencies. Wood suggests that a competency model/test can also be used instead of the Keirsey Temperament Sorter (Wood, p.14 paragraph [337]). There is no disclosure in Wood of a capability test that outputs competency information. Woods system only gets competency information out by including a specific competency test as an input. Wood's system assesses competencies only by substituting a competency test/model for the Keirsey Temperament Sorter. Using a single competency test to measure competencies is different than using a plurality of individual capability tests to measure a plurality of competencies. Wood makes a non-enabled statement that input of a competency test can output competency information. The claimed method is more transformative, pulling competency information from many individual capability tests.

6 With respect to claim 1, Wood fails to discuss rating a plurality of competencies. Wood states that it is possible to use his system to "find people with particular skills and competencies" (Wood, p.14 paragraph [337]), but Wood fails to teach or discuss how competencies would be measured, assessed, and rated as a part of his process. Identifying people with competencies and rating competencies are different operations

7 With respect to claim 1, Wood fails to discuss providing a comprehensive report or output of any kind. Paragraph 364 of Wood discusses an administrator viewing the results via "a series of reports". One of skill in the art would interpret this to mean the administrator is reviewing the standard reports that are available for each of the tests included in Wood's system. In this case, the administrator is left to consider these multiple reports in a subjective and undisclosed way in designing advice for the group. Wood fails to teach that a comprehensive report is generated. Furthermore, Wood discloses providing employment matching reports and educational literature. This is not a comprehensive report that rates a plurality of competencies. The presently disclosed system creates a comprehensive and integrated report, with competency ratings derived from the results of the individual capability tests.

8 With respect to claim 2, Bonstetter fails to teach cross-referencing to multiple tests. Furthermore, the cited figures of 7E, 8E, 9E, and 10E are not tests. They are surveys asking people what qualities are important for a certain job. They don't measure the qualities themselves.

And further, I sayeth not.



Alan L. Colquitt

Date:

9/25/09